

# Exhibit A



RE: Hi Melody. [IMAN-IMANAGE.FID1606133]

From McCombs, Melody <Melody.McCombs@ago.mo.gov>

Date Tue 5/28/2024 2:08 PM

To Kimberly Noe-Lehenbauer <knoelehenbauer@cair.com>

Cc CAIR Legal Defense Fund <ldf@cair.com>; Rawlins, Stephanie <stephanie.rawlins@ago.mo.gov>

Kimberly,

I have put in a call over to general counsel at the DOC to discuss some of the questions you have. As I am waiting to hear back from her, I figured I could at least give you the answers I do have.

- As of now I believe we have been given all documents, and shared all documents, that the DOC has provided to us. I am not currently aware of any additional documents that may be coming, but that is a question I will ask general counsel when she gives me a call.
- All video footage that has been turned over is, to my understanding, all responsive footage that was retained by the DOC. It is DOC policy to automatically retain any video footage which depicts "use of force" – however, any additional footage needs to be requested via a lit hold letter or it will be recorded over after a certain period of time. To my knowledge no lit hold letter was sent in this case – the incident happened on February 28, 2021 and the initial complaint was not filed until January 28, 2022 – almost a year later, thus, without a lit hold letter being sent prior to the date of the Complaint being filed, I do not believe any additional footage would have been saved. But again, I will verify that with general counsel when she calls me.
- I have looked at documents Bates No 86-87, I need to discuss with general counsel before providing an answer for you on this issue.

I hope to hear back from general counsel today, and will be in touch when I do. If you have any additional questions/concerns please let me know.

Thanks – I hope you were able to meet with you client today as planned and there were no issues with the facility.

**Melody McCombs** | Assistant Attorney General

Missouri Attorney General's Office

815 Olive St. Suite 200

St. Louis, MO 63101

(314) 340-7652

[Melody.McCombs@ago.mo.gov](mailto:Melody.McCombs@ago.mo.gov)

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(3) interception during transit by improper access may occur. Please contact us immediately if you do not want this office to communicate with you by e-mail. Thank you.

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**From:** Kimberly Noe-Lehenbauer <knoelehenbauer@cair.com>

**Sent:** Tuesday, May 28, 2024 1:15 AM

**To:** McCombs, Melody <Melody.McCombs@ago.mo.gov>

**Cc:** CAIR Legal Defense Fund <ldf@cair.com>; Rawlins, Stephanie <stephanie.rawlins@ago.mo.gov>

**Subject:** Hi Melody.

I hope you had a good weekend.

I wanted to give you a heads up on a few discovery issues I've noticed. First, do you assert that these are all the documents responsive to our requests made on February 1, 2024, or do you believe more to still be coming?

I am still reviewing the documents sent last Friday, but I have noticed already that we are missing several video angles, specifically from the camera on the top of 4 House outside (to capture the sidewalk assault that happened just outside the door), the top of the housing unit they were taken to (1 House), and the two angles from the two cameras inside the 1 House unit they were placed in from the time they were brought in, through the entire night, to the point where the men were allowed showers and food the next day. We also need the camera footage from the medical bay they were brought through. This footage is all responsive to Plaintiffs' RFP No. 1.

I have also noticed at least one document (Bates 86-87) that purports to be attorneys' eyes only. I must remind you we did not agree to any such conditions in the protective order. Plaintiffs have a right to see the evidence turned up as a result of their lawsuit. Especially those documents that tend to confirm his suspicions and complaints even though his grievances were dismissed at every level.

Thanks,

Kimberly Noe-Lehenbauer, Esq.  
Civil Rights Staff Attorney



[453 New Jersey Ave. SE](#)

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## Finley, Olivia

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**From:** Finley, Olivia  
**Sent:** Thursday, November 7, 2024 4:23 PM  
**To:** 'Kimberly Noe-Lehenbauer'  
**Subject:** RE: MEET AND CONFER REQUEST re: Clemons v. Basham - MDOC Video Production [IMAN-IMANAGE.FID1606133]

Kimberly,

I am in the process of determining which of the pro se defendants I will be entering my appearance for. I will communicate that information with you as I learn it. Regarding the two issues you addressed, I will look into the deficient discovery. The proposed date of December 3 at 11am Eastern works for a meet and confer. Would you like to meet via WebEx or phone?

Kind regards,  
Olivia

**Olivia Finley** | Assistant Attorney General  
Missouri Attorney General's Office  
221 West High Street  
Jefferson City, MO 65101  
(573) 751-1774  
[Olivia.Finley@ago.mo.gov](mailto:Olivia.Finley@ago.mo.gov)

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**From:** Kimberly Noe-Lehenbauer <knoelehenbauer@cair.com>  
**Sent:** Wednesday, November 6, 2024 5:01 PM  
**To:** Finley, Olivia <Olivia.Finley@ago.mo.gov>  
**Subject:** Re: MEET AND CONFER REQUEST re: Clemons v. Basham - MDOC Video Production [IMAN-IMANAGE.FID1606133]

Hi Olivia.

Still haven't heard from you on this or the case in general. Please confirm receipt so we can schedule a meet and confer as soon as possible.

Thanks,  
Kimberly Noe-Lehenbauer, Esq.  
Civil Rights Staff Attorney



Council on American-Islamic Relations  
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**From:** Kimberly Noe-Lehenbauer <[knoelehenbauer@cair.com](mailto:knoelehenbauer@cair.com)>  
**Sent:** Tuesday, October 29, 2024 5:01 PM  
**To:** [olivia.finley@ago.mo.gov](mailto:olivia.finley@ago.mo.gov) <[olivia.finley@ago.mo.gov](mailto:olivia.finley@ago.mo.gov)>  
**Subject:** Fw: MEET AND CONFER REQUEST re: Clemons v. Basham - MDOC Video Production [IMAN-IMANAGE.FID1606133]

Hello Olivia.

Welcome to the case. First, I notice you've only entered an appearance for Basham, Hart, Spradling, Reagan, Fenwick, and Simonton. I want to make sure you'll be representing all Defendants in this action.

Also, you'll find in the thread below explanations of two issues that remain outstanding. The first is deficient discovery, and the second is a meet and confer regarding the state's designation of video footage as confidential pursuant to the protective order in this case. You'll notice Luke recently promised me an answer "ASAP," but the confidentiality question has been pending since two attorneys ago. I'm afraid we can't continue to wait and see.

I'd like to schedule a meeting to discuss the issue on December 3 at 11 a.m. Eastern. By then, we'll need to be able to go over the state's argument and justification. We'd love to resolve the designation issue then, but if not, we'll file a motion challenging it shortly after. Likewise, we'll expect the deficient video production to be supplemented no later than December 2 so we can review before the meet and confer.

Let me know if you have any questions.

Thanks,

Kimberly Noe-Lehenbauer, Esq.  
Civil Rights Staff Attorney



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**From:** Hawley, Luke <[Luke.Hawley@ago.mo.gov](mailto:Luke.Hawley@ago.mo.gov)>  
**Sent:** Friday, October 18, 2024 2:43 PM  
**To:** Kimberly Noe-Lehenbauer <[knoelehenbauer@cair.com](mailto:knoelehenbauer@cair.com)>  
**Subject:** RE: MDOC Video Production [IMAN-IMANAGE.FID1606133]

Kimberly,

Thank you for following up. I circled back with my contact with DOC and will get back with you ASAP.

Thanks,

**Luke Hawley** | Assistant Attorney General  
Missouri Attorney General's Office  
815 Olive St, Suite 200  
St. Louis, MO 63101  
(314) 340-4877  
[Luke.Hawley@ago.mo.gov](mailto:Luke.Hawley@ago.mo.gov)

---

**From:** Kimberly Noe-Lehenbauer <[knoelehenbauer@cair.com](mailto:knoelehenbauer@cair.com)>  
**Sent:** Friday, October 18, 2024 1:38 PM  
**To:** Hawley, Luke <[Luke.Hawley@ago.mo.gov](mailto:Luke.Hawley@ago.mo.gov)>  
**Subject:** Re: MDOC Video Production

Following up on this, Luke.

When will the other video angles, time expansions, camera views, and highest resolution copies be provided?

And what is the state's legal basis for designating any video related to this action as confidential? Pursuant to section 3 of the protective order (dkt. 77), we must meet and confer before moving the court, and the state is responsible to defending its designation.

Thanks,

Kimberly Noe-Lehenbauer, Esq.  
Civil Rights Staff Attorney

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**From:** Kimberly Noe-Lehenbauer <[knoelehenbauer@cair.com](mailto:knoelehenbauer@cair.com)>  
**Sent:** Thursday, October 10, 2024 11:12:47 PM

To: Hawley, Luke <[Luke.Hawley@ago.mo.gov](mailto:Luke.Hawley@ago.mo.gov)>

Subject: MDOC Video Production

Hi Luke.

We've spoken about this before, and I spoke to and emailed Melody regarding this issue before she left too, but consider this email another formal notice of deficiency related to the three videos produced in response to Plaintiffs' Request for Production No. 1 issued on January 31, 2024. The following must be produced as soon as possible.

- As Ms. Basham pointed out, HU4 wing footage earlier than 9:09 p.m., before the men lined up to pray (also revealing when Basham was previously in the unit) certainly exists and should be produced from both camera angles.
  - To the extent MDOC has access to higher resolution videos that can be embedded, exported, or otherwise produced, or be made available for inspection, Plaintiffs are entitled to it.
- Video footage from the:
  - outside camera on top of 4 House (revealing the sidewalk scuffle with several officers and Mr. Stafford);
  - camera mounted outside the Medical building;
  - cameras on the outside of Houses 1 and 2; and
  - cameras on both ends of the seg wing where Plaintiffs were housed (from the time the first Plaintiff walked in to the time Plaintiffs were allowed showers, food, clothing, and medical attention.

These videos are key to this case and will likely result in a spoliation decision and/or adverse inference if not produced.

Further, please provide the legal justification for designating these videos as confidential. We are opposed to the designation and would like to meet and confer before bringing the issue to the court.

Thanks,

Kimberly Noe-Lehenbauer, Esq.  
Civil Rights Staff Attorney



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From: Hawley, Luke <[Luke.Hawley@ago.mo.gov](mailto:Luke.Hawley@ago.mo.gov)>

Sent: Thursday, October 10, 2024 10:02 AM

To: Kimberly Noe-Lehenbauer <[knoelehenbauer@cair.com](mailto:knoelehenbauer@cair.com)>

Subject: Carl Hart Deposition

Kim,

Are you hopping on?

Luke

Sent from my iPhone

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**RE: Clemons v. Basham Discovery [IMAN-IMANAGE.FID1606133]**

---

**From** Finley, Olivia <Olivia.Finley@ago.mo.gov>

**Date** Wed 4/30/2025 3:06 PM

**To** Elizabeth Dexter <eDexter@cair.com>

**Cc** Rawlins, Stephanie <stephanie.rawlins@ago.mo.gov>; CAIR Legal Defense Fund <ldf@cair.com>; Nadia Bayado <nBayado@cair.com>; Gadeir Abbas <gAbbas@cair.com>

 1 attachment (341 KB)

Clemons v. Basham Email.pdf;

Ms. Dexter,

1. I spoke with MDOC and confirmed that all responsive video footage has been produced.
2. A request has been made for Mr. Stafford's medical records from 4/13/2023-4/22/2025. When we receive responsive documents, we will produce them to you via a Box link.
3. During my virtual meeting with Ms. Noe-Lehenbauer on February 11, 2025, we discussed this issue. Ultimately, the video footage produced in discovery is designated as confidential due to concerns relating to the safety and security of the MDOC institution.
4. Attached is a screenshot of the email chain you requested. Ms. Noe-Lehenbauer did not attend the scheduled meeting we had set on December 3. After a hearing in front of Judge Welby in the new year, Ms. Noe-Lehenbauer and I virtually met on February 11, 2025 to discuss the Joint Scheduling Plan and during that meeting I informed her of MDOC's position on designating the produced video footage as confidential.

Please let me know if further information is needed,

Olivia Finley

**Olivia Finley** | Assistant Attorney General  
Missouri Attorney General's Office  
221 West High Street  
Jefferson City, MO 65101  
(573) 751-1774  
[Olivia.Finley@ago.mo.gov](mailto:Olivia.Finley@ago.mo.gov)

---

**From:** Elizabeth Dexter <eDexter@cair.com>

**Sent:** Tuesday, April 22, 2025 3:31 PM

**To:** Finley, Olivia <Olivia.Finley@ago.mo.gov>

**Cc:** Rawlins, Stephanie <stephanie.rawlins@ago.mo.gov>; CAIR Legal Defense Fund <ldf@cair.com>; Nadia Bayado <nBayado@cair.com>; Gadeir Abbas <gAbbas@cair.com>

**Subject:** Re: Clemons v. Basham Discovery

Hello Ms. Finley,

I hope you are doing well. I wanted to follow up on my previous emails. We have a few remaining discovery issues that we would like to go over with you.

First, could you please confirm that you have produced all of the video angles that we requested from the February 28, 2021 incident? Ms. Noe-Lehenbauer had previously informed Ms. McCombs that we are missing several video angles, specifically from the camera on top of House 4 outside (to capture the sidewalk assault that happened just outside the door), the top of the housing unit they were taken to (1 House), and two angles from 2 cameras inside the 1 House unit they were placed in from the time they were brought in, through the entire night, to the point where the men were allowed showers and food the next day. She also noted that we are missing camera footage from the medical bay they were brought through. Ms. McCombs responded that the video footage that they turned over, to her understanding, was all responsive footage that was retained by the DOC. She said that she would double check with General Counsel. Could you please verify whether or not you have sent over all the available footage that we have requested?

Second, while we appear to have copies of all of Plaintiff Steven Stafford's medical records up until 4/13/2023, we do not have any records following this. Could your clients please provide all of Mr. Stafford's medical records from 4/13/2023 until 4/22/2025?

Third, could you please provide insight as to why the video footage produced in discovery is designated as confidential?

Finally, could you please produce the deficiency notice sent to you by Ms. Noe-Lehenbauer on October 29, 2024, as well as your response to this deficiency notice?

Thank you in advance for your assistance with these questions, and please let me know if you need any additional information.

Best,

**Liz Dexter**

Legal Assistant  
CAIR Legal Defense Fund  
453 New Jersey Ave SE  
Washington, DC 20003



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**From:** Elizabeth Dexter <[eDexter@cair.com](mailto:eDexter@cair.com)>

**Sent:** Wednesday, April 9, 2025 3:52 PM

**To:** [olivia.finley@ago.mo.gov](mailto:olivia.finley@ago.mo.gov) <[Olivia.Finley@ago.mo.gov](mailto:Olivia.Finley@ago.mo.gov)>

# 1414  
Cc: [stephanie.rawlins@ago.mo.gov](mailto:stephanie.rawlins@ago.mo.gov) <[stephanie.rawlins@ago.mo.gov](mailto:stephanie.rawlins@ago.mo.gov)>; CAIR Legal Defense Fund <[ldf@cair.com](mailto:ldf@cair.com)>;  
Justin Sadowsky <[jSadowsky@cair.com](mailto:jSadowsky@cair.com)>  
Subject: Re: Clemons v. Basham Discovery

Hello Ms. Finley,

My apologies, I sent the second question in error due to a miscommunication. We are aware that the video footage sent to us is confidential. I meant to ask why the video footage sent to us was designated as confidential. Could you please provide insight into this as well as provide answers to the questions I asked in my previous email? Thank you again for your assistance with this.

Best,

**Liz Dexter**

Legal Assistant  
CAIR Legal Defense Fund  
453 New Jersey Ave SE  
Washington, DC 20003



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**From:** Elizabeth Dexter <[eDexter@cair.com](mailto:eDexter@cair.com)>

**Sent:** Tuesday, April 8, 2025 1:41 PM

**To:** [olivia.finley@ago.mo.gov](mailto:olivia.finley@ago.mo.gov) <[Olivia.Finley@ago.mo.gov](mailto:Olivia.Finley@ago.mo.gov)>

**Cc:** [stephanie.rawlins@ago.mo.gov](mailto:stephanie.rawlins@ago.mo.gov) <[stephanie.rawlins@ago.mo.gov](mailto:stephanie.rawlins@ago.mo.gov)>; CAIR Legal Defense Fund <[ldf@cair.com](mailto:ldf@cair.com)>;

Justin Sadowsky <[jSadowsky@cair.com](mailto:jSadowsky@cair.com)>

**Subject:** Clemons v. Basham Discovery

Hello Ms. Finley,

I hope you are doing well. We have a few remaining discovery issues that we would like to go over with you.

First, can you please confirm that you have produced all of the video angles that we requested from the February 28, 2021 incident? Ms. Noe-Lehenbauer had previously informed Ms. McCombs that we are missing several video angles, specifically from the camera on top of House 4 outside (to capture the sidewalk assault that happened just outside the door), the top of the housing unit they were taken to (1 House), and two angles from 2 cameras inside the 1 House unit they were placed in from the time they were brought in, through the entire night, to the point where the men were allowed showers and food the next day. She also noted that we are missing camera footage from the medical bay they were brought through. Ms. McCombs responded that the video footage that they turned over, to her understanding, was

all responsive footage that was retained by the DOC. She said that she would double check with General Counsel. Can you please verify whether or not you have sent over all the available footage that we have requested?

Second, can you please confirm the confidentiality designation of the video footage sent to us?

Finally, can you please produce the deficiency notice sent to you by Ms. Noe-Lehenbauer on October 29, 2024, as well as your response to this deficiency notice?

Thank you in advance for your assistance with these questions, and please let me know if you need any additional information.

Best,

**Liz Dexter**

Legal Assistant  
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5:14



Re: Meet and Confer This Week [IMAN-  
IMANAGE.FID1606133]

Inbox



Finley, Olivia  
To Rawlins, Stephanie, You, +3

May 28  
...



Nadia,

As we discussed on the phone, Defendants agree to the following depositions being taken after the close of discovery:

- Matt Raymond
- Adam Simonton
- 30(b)(6)



Further, we would consent to a motion requesting a two week extension to file dispositive motions.

Finally, Defendants agree to a 10-day extension for discovery responses. This would make responses due June 9, 2025.

I will request Holliman’s grievance file and again request any remaining video footage.

Olivia

**Olivia Finley** | Assistant Attorney General  
Missouri Attorney General's Office  
[221 West High Street](#)



Reply All



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5:14



[Olivia.Finley@ago.mo.gov](mailto:Olivia.Finley@ago.mo.gov)

...



You

May 28

To Finley, Olivia, Rawlins, Stephanie, +3

...



Olivia,

Thanks for sending that over! I'll keep an eye out for your email about Raymond and Simonton's availability, which is supposed to be sent by Friday. Also, please keep me posted on any updates regarding Stafford's medical records!

Thanks!

Kindest Regards,

Nadia Bayado  
Staff Attorney  
CAIR Legal Defense Fund



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